

Remarks

Applicant and the undersigned would like to thank the Examiner for his efforts in the examination of this application. Reconsideration is respectfully requested.

I. Double Patenting

The Examiner has rejected Claims 1-22 under the judicially created doctrine of double patenting over US 6,270,221.

A Terminal Disclaimer and the fee therefor are enclosed herewith, and thus this rejection is believed to have been overcome.

II. Rejection of Claims 2-4 and 14-16 under 35 USC 112

The Examiner has rejected Claims 2-4 and 14-16 under 35 USC 112, second paragraph, as being indefinite.

Claims 2 and 14 have been amended to more particularly point out that which Applicants regard as their invention. Specifically, the term "anterior surface" has been replaced by "behind the retina". Further, Claims 1-12 have also been amended to be directed to "measuring vision characteristics of an eye".

In addition, in Claims 2 and 14, "small angle" has been further defined as adapted "for passing through the pupil and achieving the focus behind the retina". The Examiner is respectfully requested to note, for example, FIG. 2A, wherein it is clear that the angle subtended by the beam is limited to that which is now recited. Also, those of skill in the art will readily recognize that the term "small angle" in optics is used to denote any angle

wherein the approximation $\sin \theta \approx \theta$ holds; therefore, here the angle is limited to being less than approximately 10° .

Claims 2 and 14 have also been amended to recite that the long-focal-length lens is at least 100 mm. This limitation can be found in the Specification, page 8, lines 11-12.

Claims 2 and 14 are believed free from indefiniteness, and Claims 3, 4, 15, and 16, dependent from Claims 2 and 14, are now also believed free from indefiniteness.

III. Rejection of Claims 1, 5, and 6 under 35 USC 102(b)

The Examiner has rejected Claims 1, 5, and 6 under 35 USC 102(b) as being anticipated by Liang (J. Opt. Soc. Am. A **11**(7), July, 1994).

This rejection is respectfully traversed, in light of the amendments made to Claim 1, wherein the focusing means are recited as focusing an optical beam “behind a retina of the eye”, and also in light of the original recitations.

The Examiner states that Liang ‘94 “is capable of moving the focal point of the incident beam forward or backward along the optical axis with respect to the retina.” However, Liang neither teaches nor suggests the emission of secondary radiation “from the retina as a reflected wavefront of radiation that passes through the eye”, nor means “for directing the reflected wavefront onto a wavefront analyzer”, nor “a wavefront analyzer for measuring distortions associated with the reflected wavefront.”

Therefore, as these limitations are not taught by Liang, Claim 1 is inherently not anticipated by Claim 1, and Claims 1, 5, and 6 are believed to patentably define over Liang.

IV. Rejection of Claims 7-13 and 16-21 under 35 USC 103(a)

The Examiner has rejected Claims 7-13 and 16-21 under 35 USC 103(a) as being unpatentable Liang '94 in view of US 2001/0041884 to Frey et al.

This rejection is respectfully traversed. As discussed above with regard to Claim 1, Liang neither teaches nor suggests "focusing means for focusing the optical beam behind a retina of the eye for providing a finite source of secondary radiation on the retina of the eye, which secondary radiation is emitted from the retina as a reflected wavefront of radiation that passes outward from the eye", nor "a wavefront analyzer receiving the polarized wavefront for measuring distortions associated therewith."

As these limitations are not taught by Liang, and as the Examiner is relying on Frey solely for the polarizing means, Claim 13, and Claims 16-21 dependent therefrom, are believed to patentably define over the cited art. Similarly, as Claim 1 is believed patentable, Claims 7-12 are also believed patentable over the cited art.

V. Allowability of Claim 22

As Claim 22 has not been rejected on grounds of prior art, Claim 22 is believed to patentably define over the cited art.

Conclusions

Applicants respectfully submit that the above amendments place this application in a condition for allowance, and passage to issue is respectfully solicited. Applicants and the undersigned would like to again thank the Examiner for his efforts in the examination of this application and for reconsideration of the claims as amended in light of the

arguments presented. If the further prosecution of the application can be facilitated through telephone interview between the Examiner and the undersigned, the Examiner is requested to telephone the undersigned at the Examiner's convenience.

Respectfully submitted,



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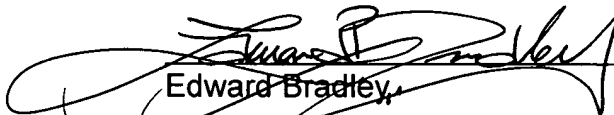
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CERTIFICATE OF MAILING

I hereby certify that the foregoing is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, this 27th day of September, 2005.



Edward Bradley